

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13<sup>th</sup> DAY OF NOVEMBER 2002, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Mary W. Biggs	-Chair
	Gary D. Creed	-Supervisors
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	C.P. Shorter	
	Jeffrey D. Johnson	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Robert C. Parker	-Public Information Officer
	Vickie L. Swinney	-Secretary

ABSENT:	Larry N. Rush	-Vice Chairman
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### **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The Chair called the meeting to order and the Pledge of Allegiance was recited.

### **PUBLIC HEARINGS**

#### **Joint Public Hearing with the Virginia Department of Transportation**

**The Proposed Six Year Plan for Improvement of the State Secondary Highway System in Montgomery County for 2003-2009** and establishment of priorities for the 2003-2004 budget year, pursuant to Section 33.1-70 of the Code of Virginia of 1950, as amended. Rural Addition requests will also be taken at this public hearing.

Dan Brugh, Virginia Department of Transportation, explained the process for the Six Year Plan for improvements to the state secondary roads. Mr. Brugh stated due to the revenue reductions in the Department of Transportation, the Six Year Plan for FY 2002-2008 was not approved. Therefore, the

plan presented tonight is based on FY 2001-2007, the last official plan approved. The plan for FY 2003-2009 includes \$11.1 million in funding. Given the fact that the proposed Six Year Plan must be reduced significantly, Mr. Brugh recommends approving the FY 2001-2007 plan with projects removed from the end, in order to get a financially workable plan. The recommendation removes fifteen projects from the plan, leaving eleven projects.

Larry Hollandsworth addressed the Board with concerns about Blue Springs Road (SR 613). Mr. Hollandsworth stated Blue Springs Road is number four on the Six Year Road Plan and wanted to know what the status was on getting this road fixed. He also expressed concerns with the bridge on Blue Springs Road.

Dan Brugh indicated that VDOT has no plans to replace the bridge on Blue Springs Road. He also informed Mr. Hollandsworth that VDOT has been trying for several years to get the proper right-of-way in order to proceed with the work. He stated he would contact Mr. Hollandsworth to inform him of the areas where right-of-way is still needed.

Leon Alley addressed the Board with concerns about Fishers View Road (SR 609). Mr. Alley is concerned with this road being removed from the Six Year Road Plan. He indicated that VDOT would have to only to pave one mile to take care of most of the families that live on this road. Mr. Alley stated that if VDOT could not pave Fishers View Road then they would like to have the road scraped and maintained.

Mark Dominesey addressed the Board with concerns about Bow Hill Road, off Sugar Grove Road. Mr. Dominesey stated that Bow Hill Road is in dire need of repairing. There are sharp inclines and the road is in bad shape. He indicated that half of Bow Hill Road has been paved and they need the additional half paved.

Debra Graff addressed concerns about Brush Creek Road. Ms. Graff stated that this road is in a dangerous condition. There are sharp blind curves with steep drop offs, that have room for only one car to travel. There are deteriorating shoulders along the road. Ms. Graff asked the Board to consider safety first. Brush Creek Road needs to be widened and guardrails installed.

Margaret Smith addressed the process of the Six Year Road Improvement Plan. She reviewed the proposed list and was concerned that there have been roads on this list for more than ten years. She is also concerned that fifteen projects have been eliminated. If funding is based on six years, how can projects date back more than six years? Ms. Smith also expressed concerns with Barn Road and Tyler Road. She stated that Carilion should be required to pay for the turn lane on Tyler Road (SR 600) into its property as other developers have been required to do, such as Auburn Hills Golf Community. This lane would take care of any safety issues. Another solution for safety issues on Tyler Road near the hospital is to lower the speed limit to 35 mph, a reasonable speed for a hospital zone.

Kristi DeCoursey addressed the Board about concerns with Craigs Creek Road. Ms. DeCoursey lives on Fox Fire Road off Craigs Creek Road and is concerned with Craigs Creek Road being removed from

the Six Year Road Improvement Plan. Once the road is removed from the list, what is the process for getting the road back on the list at a later date.

James Sargent addressed the Board about Eagle View Drive. Mr. Sargent asked that the Board consider taking this road into the Rural Rustic Road Program. This road begins in Montgomery County and continues into Floyd County. The road is a surface treated road and is in great shape and there is the proper amount of right-of-way. The developer went bankrupt before he could pave this road.

Charlie Bowles addressed the Board on several road issues. Mr. Bowles thanked VDOT for the work done on Camp Carysbrook Road. He requested that the bad curve on Sidney Church Road be repaired, this is a good road until you reach the curve. He also requested that yellow lines be painted on Sidney Church Road and Big Branch Road. Guardrails need to be installed on Big Branch Road, Camp Carysbrook Road and Chestnut Ridge Road.

At the point, a discussion was held on the Rural Rustic Road Program. The Board asked for information about the program and the process. Mr. Brugh explained that the Rural Rustic Road Program was started to help pave roads in rural areas. To qualify for the program, roads must be in the state secondary system, be lightly traveled, cannot average more than 500 cars per day and be in a low density area. The Board requested that Mr. Brugh review the proposed Six Year Road Improvement list and see if any of the roads on the list could be included in the Rural Rustic Road Program.

There being no further speakers, the public hearing was closed.

## **PUBLIC ADDRESS SESSION**

Chris Tuck, speaking on behalf of the Montgomery-Radford Bar Association, addressed the Board about concerns with the recent budget cuts to the Montgomery County Clerk of the Circuit Court office. Mr. Tuck explained that the Circuit Court provides important services to the citizens of Montgomery County, and generates local revenue. It is critical that the Clerk's office ensure timely filing, recording, indexing of documents prepared by or presented to the Clerk as required by law. It is necessary to have sufficient staff to perform its duties and all have normal work hours in order to allow access to records. Overall, the Clerk's office provides important services to the judiciary, law enforcement and citizens. Mr. Tuck requested that the Board of Supervisors consider appropriating sufficient funds for the Clerk's office to maintain the proper amount of staffing to conduct business at a normal level.

Todd Walters addressed the Board on his request for an amendment to his Special Use Permit for a garden center. Mr. Walters explained that he was not aware of having to obtain an Erosion and Sediment Control Permit to grade and place fill dirt on his property in the floodplain. Since then, Anderson & Associates has completed the study on the grading on Cedar Run and has determined that since grading has increased the 100 year water surface elevations less than one foot the Federal Emergency Management Authority (FEMA) does not need to be notified. Mr. Walters stated that he has obtained the E&S permit and

requested the Board consider voting on his request tonight.

Robert Apgar addressed the Board on his request for rezoning and a Special Use Permit. Mr. Apgar stated that a business was in operation for thirty (30) years at this location and does not understand the concerns the Board has in allowing him to place another business at this location. He stated that the start up cost is enormous due to fees being paid before starting a business. He asked the Board to reconsider some of the conditions that were outline in the request, such as allowing only a specific number of mobile homes and cars on the lot. Mr. Apgar also stated that having a port-o-john on the lot should not be an issue. The Health Department has already approved his request. He stated he would hook up to public sewer once the sewer line is complete.

April Peacock spoke in favor of vacating the right-of-way on Mid-Pines Road. Ms. Peacock stated she was one of the landowners requesting the vacating. She said the developer decided not to develop this road, therefore, they are requesting that the right-of-way they donated for this road be deeded back to them. Mr. Peacock stated that the other two property owners are also in support of this request.

Hershel Scott spoke in favor of Richard Apgar's rezoning and special use permit request. Mr. Scott is the agent for Mr. Apgar and would be establishing a used mobile home and car lot on Mr. Apgar's property. He explained that the use of a port-o-john would be temporary until such time the sewer line could be completed. He intends to keep the lot looking nice and clean and will not be an eyesore to the community.

Chair Biggs noted for the record that Mr. James Miller called the Planning Office to voice his opposition to the Apgar rezoning request. Mr. Miller has concerns with a mobile home sales lot in the community and had concerns with a portable toilet being allowed.

There being no further speakers, the public hearing was closed.

### **ADD TO THE AGENDA - ADDENDUM**

On a motion by C.P. Shorter, seconded by James D Politis and carried unanimously, the following addendum dated November 13, 2002 was added to the agenda:

#### **INTO CLOSED MEETING:**

Section 2.2-3711 (5) Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

1. Industry not Previously Announced.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Larry N. Rush
Gary D. Creed		
James D. Politis		
Annette S. Perkins		
John A. Muffo		
Mary W. Biggs		

### **CONSENT AGENDA**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated November 13, 2002 was approved.

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
C.P. Shorter		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		
Mary W. Biggs		

### **Year End Funds - School Operating Fund**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003, for the function and in the amount as follows:

09	School Operating Fund	
	564000 Operations and Maintenance	\$71,540

The sources of funds for the foregoing appropriation is as follows:

451204	Fund Balance	\$71,540
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## Speed Study Request - Georges Run Road (SR 638)

WHEREAS, The County Administrator has received a petition from concerned citizens requesting the Virginia Department of Transportation to conduct a speed study on Georges Run Road (SR 638) to determine the need to post a safe speed limit in order to improve the safety in this area; and

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby respectfully requests the Virginia Department of Transportation to conduct a speed study on said road to determine the feasibility of posting a speed limit to improve the safety of this area.

**Special Use Permit - David & Patricia Colatosti**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that David & Patricia Colatosti's request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

- The property is located at 1445 Taylor Hollow Road and is identified as Tax Parcel No. 56-A-5 (Account ID #030419) in the Mount Tabor Magisterial District. The property lies in an area designated as Agriculture/Conservation Area in the Comprehensive Plan.

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The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
C.P. Shorter		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		
Mary W. Biggs		

**Special Use Permit - Richard Rentfrow**

On a motion by Gary D. Creed, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Richard Rentfrow's request for a Special Use Permit, with possible conditions, in Residential (R-2) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1700 square feet.
2. The proposed structure shall not exceed 21 feet in height.
3. The proposed structure shall match the architectural style of the existing structures on the property.
4. If the second floor to be used as an accessory or guest residence, the building must meet all applicable residential building codes and requirements for residential structures.

The property is located at 775 Deercroft Drive and is identified as Tax Parcel No. 55-4-10 (Account ID #027660) in the Mount Tabor Magisterial District. The property lies in an area designated as Agriculture Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Larry N. Rush
James D. Politis		
Annette S. Perkins		

John A. Muffo  
C.P. Shorter  
Mary W. Biggs

**Special Use Permit - Daryl W. Smith**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Daryl W. Smith's request for a Special Use Permit, with possible conditions, in Agriculture (A-1) to allow a private garage in excess of 850 square feet and sixteen (16) feet in height is hereby approved subject to the following conditions:

1. The proposed structure shall not exceed 1250 square feet.
2. The proposed structure shall not exceed 16 feet in height.

The property is located at 1427 Den Hill Road and is identified as Tax Parcel No. 68-A-90 (Account ID #017757) in the Shawsville Magisterial District. The property lies in an area designated as Rural Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Larry N. Rush
James D. Politis		
John A. Muffo		
C.P. Shorter		
Gary D. Creed		
Mary W. Biggs		

**Special Use Permit Amendment - T. Todd & Paige Walters - Tabled**

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that T. Todd & Paige Walters (Agent: T/A Valley Landscaping, Inc.) request for an amendment to a Special Use Permit originally approved with conditions on March 13, 2000 in Agriculture (A-1) on a 18.510 acre tract, for a Garden Center is hereby **TABLED** for up to ninety (90) days to allow the applicant to bring the property

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into compliance with all County ordinances:

The property is identified as Tax Parcel No. 68-5-9A (Account ID #022007) and is located at 750 Den Hill Road in the Mount Tabor Magisterial District. The property lies in an area designated Rural Area in the Comprehensive Plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

**Special Use Permit - Virginia Gas Co. (Agent: Red, White, Blue Paving)**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Virginia Gas Co. (Agent: Red, White & Blue Paving) request for a Special Use Permit, with possible conditions, in Manufacturing (M-1) to allow a contractor's storage yard is hereby approved subject to the following conditions:

1. Only operable construction and/or paving equipment belonging to Red, White, & Blue Paving shall be permitted to be stored on the property behind or within the existing buildings. All vehicles and equipment shall be stored outside of the Roanoke River floodway.
2. The existing entrance shall be paved in accordance with VDOT's request within thirty (30) days of approval of the SUP.
3. No fuel, oil or other hazardous materials shall be stored on the property. No repair work shall be conducted on-site.
4. No new structure(s) shall be constructed on site.

5. Any lighting installed on site shall be dusk to dawn, “full cut-off” type fixtures to avoid glare onto adjacent properties.
6. This Special Use Permit shall expire four (4) years from the date of approval by the Board of Supervisors. The Zoning Administrator can grant a single six (6) month extension to this time limit after receipt of a written request from the property owner.
7. The zoning administrator and/or other county employee designated with enforcement responsibilities of the county ordinances shall have the right to access the property to ensure compliance with all above conditions.
8. Failure to comply with these conditions shall result in revocation of this Special Use Permit by the Board of Supervisors.

The property is located on the West side of Roanoke Road approximately 750 feet North of Crozier Road intersection and is identified as Tax Parcel No. 59-A-47C (Account ID #027698) in the Shawsville Magisterial District. The property lies in an area designated as Urban Expansion Area in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Larry N. Rush
C.P. Shorter		
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Mary W. Biggs		

**Rezoning Request and Special Use Permit - Robert Apgar (Agent: Hershel Scott) - Tabled**

On a motion by Annette S. Perkins, seconded by C.P. Shorter and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Robert M. Apgar’s (Agent: Hershel Scott) request for a Special Use Permit to allow manufactured home sales and service on approximately 65,000 square feet of land located at 10212 Roanoke Road and identified as Tax Parcel No. 47-A-32 in the Shawsville Magisterial District is hereby **TABLED** in order to received additional information on the sewer plan.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Larry N. Rush
Annette S. Perkins		
John A. Muffo		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

### **Special Use Permit - RRH Property Management**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the RRH Property Management request for a Special Use Permit, with possible conditions, to allow a day care center is hereby approved subject to the following conditions:

1. Approval of the Special Use Permit authorizes construction of a day care center only.
2. Property shall be developed in substantial conformance with the conceptual plan by Hixon Construction dated 10/08/02.
3. An approved VDOT commercial entrance permit shall be obtained prior to approval of site plan and issuance of building permits.
4. All development shall be served by public water and sewer. Approval of these facilities by the Montgomery County Public Service Authority shall be obtained prior to approval of site plan and issuance of building permits.
5. Fire Hydrant(s) shall be located within 500 feet (by road) of the proposed day care center.
6. An approved state required fence type and height shall be installed around the playground areas.

The property is located at 1803 Fairview Church Road and is identified as Tax Parcel No. 119-A-33A (Acct ID #000274) in the Riner Magisterial District. The property currently lies in an area designated as Rural Expansion in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	James D. Politis	Larry N. Rush
Annette S. Perkins		
John A. Muffo		
Gary D. Creed		
Mary W. Biggs		

**Ordinance Vacating Portions of Right-of-Way on Mid Pines Road**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

**ORDINANCE 2002-17**  
**An Ordinance Vacating Portions of**  
**the Right-of-Way of Mid Pines Road**  
**in Blacksburg Country Club Estates**

WHEREAS, Todd and April Peacock have requested that Montgomery County vacate the portion of Mid Pines Road right-of-way adjoining Lot 501 of Blacksburg Country Club Estates (Tax Parcel No. 55-12-501, Account ID# 001896) and add this portion to Lot 501 as shown on Draper Aden Associates Plat P-7329-501 dated 07/10/01; and

WHEREAS, Allen Loy Campbell has requested that Montgomery County vacate the portion of Mid Pines Road right-of-way adjoining Lot 548 of Blacksburg Country Club Estates (Tax Parcel No. 55-12-548, Account ID# 001895) and add this portion to Lot 548 as shown on Draper Aden Associates Plat P-7329-548 dated 07/10/01; and

WHEREAS, Stephen and Donna Forkner have requested that Montgomery County vacate the portion of Mid Pines Road right-of-way adjoining Lot 550 of Blacksburg Country Club Estates (Tax Parcel No. 55-12-501, Account ID# 006558) and add this portion to Lot 550 as shown on Draper Aden Associates Plat P-7329-550 dated 07/10/01; and

WHEREAS, Section 15.2-2272.2 of the Code of Virginia, as amended, provides a method whereby the Board of Supervisors may vacate the three requested portions of right-of-way of Mid Pines Road upon request of the landowners involved; and

WHEREAS, A duly advertised public hearing on the three requests was held by the Board of Supervisors on October 28, 2002 and due notification was given of the Board of Supervisors intention to act on the three requests on November 13, 2002.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that in accordance with Section 15.2-2272.2 of the Code of Virginia, as amended, the Todd and April Peacock, Allen Loy Campbell, and Stephen and Donna Forkner requests to vacate portions of Mid Pines Road right-of-way adjoining their respective lots and add these portions of right-of-way to their respective lots are hereby approved.

FURTHER, The Chairman is authorized to sign the respective plats for recordation.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
C.P. Shorter		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		
Mary W. Biggs		

### **NEW BUSINESS**

#### **Amendment to the Deed Lease - Virginia Department of Health**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

**Resolution Authorizing the Amendment  
of the Deed of Lease Dated October 9, 1996,  
By and Between the County of Montgomery, Virginia,  
and the Commonwealth of Virginia Department of Health**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby agrees to amend the Deed of Lease dated October 9, 1996, by and between the County of Montgomery, Virginia, and the Commonwealth of Virginia, Virginia Department of Health by increasing

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the amount of square footage to be leased by the Health Department by an additional 1,748 feet and by increasing the monthly lease payment made by the Health Department to an additional \$347.00 per month.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes Jeffrey D. Johnson, County Administrator, to execute the said Amendment of the Deed of Lease on behalf of the County of Montgomery, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Annette S. Perkins	None	Larry N. Rush
Gary D. Creed		
John A. Muffo		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

#### **Fire and Rescue Consultant**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2003 for the function and in the amount as follows:

330	Fire and Rescue	\$35,000
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The source of the funds for the foregoing appropriation is as follows:

#### **Revenue Account**

451205	Designated Fund Balance	
	Capital Reserve	\$35,000

Said resolution appropriates funds for a Fire and Rescue consulting contract.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	Larry N. Rush
Gary D. Creed		
John A. Muffo		

Annette S. Perkins  
C.P. Shorter  
Mary W. Biggs

**Resolution in Opposition to State Budget Cuts for the Virginia Cooperative Extension**

On a motion by C.P. Shorter, seconded by Annette S. Perkins and carried unanimously,

WHEREAS, Virginia Cooperative Extension is an educational outreach program of Virginia's land grant universities, and a part of the national Cooperative State Research, Education, and Extension Service, an agency of the United States Department of Agriculture; and

WHEREAS, Virginia Cooperative Extension responds to the needs of individuals, families, groups and organizations with educational programs in the areas of agriculture and natural resources, family and consumer sciences, and community initiatives; and

WHEREAS, The state budget cuts to Virginia Cooperative Extension will reduce agricultural research by \$1.5 million in FY 2003 and \$2.3 million in FY 2004 and result in the elimination of 147 positions.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby requests Governor Mark Warner to reinstate funds for the Virginia Cooperative Extension Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Honorable John Edwards, the Honorable Bo Trumbo, the Honorable James M. Shuler and the Honorable Dave Nutter to seek their assistance and support of this request before Governor Mark Warner.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Annette S. Perkins	None	Gary D. Creed	Larry N. Rush
James D. Politis		John A. Muffo	
C.P. Shorter			
Mary W. Biggs			

Supervisor Muffo stated for the record that he believes the Virginia Cooperative Extension is a wonderful program and believes they do a great job and is beneficial to the County. He stated that the state budget cuts are effecting numerous agencies throughout the state and the Board should not target certain agencies to help with their battle with the State. There are too many agencies that are in need and this will be one

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of many resolutions that come before them requesting their help.

**Resolution Commending the Special Task Force Created to Investigate the Sniper Shootings in Maryland, Virginia and District of Columbia**

On a motion by C.P. Shorter, seconded by John A. Muffo and carried unanimously,

**WHEREAS**, During a three-week shooting spree beginning October 2, 2002, two alleged snipers killed ten individuals and seriously wounded three others in two Maryland counties, four Virginia counties, and the District of Columbia; and

**WHEREAS**, Over this three-week period a **Special Task Force** was appointed, made up of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF), the Federal Bureau of Investigations (FBI) and state and local law enforcement agencies in Maryland, Virginia and the District of Columbia; and

**WHEREAS**, During this investigation the **Special Task Force** fielded 138,000 calls from thousands of concerned citizens from around our nation who provided tips and worked to put an end to the region's nightmare; and

**WHEREAS**, As a result of the dedication and tireless work of the **Special Task Force**, on October 24, 2002 it was announced that two suspects were arrested in the series of shootings.

**NOW, THEREFORE, BE IT RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends its gratitude and appreciation to the members of the **Special Task Force** for their patriotic service and dedicated effort to work together to end the terror that plagued residents in the Maryland, Virginia, and Washington, D.C. area.

**BE IT FURTHER RESOLVED**, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its sympathy and condolences to the families of those who lost their lives.

**BE IT FURTHER RESOLVED**, That the original of this resolution be forwarded to Charles A. Moose, Police Chief, Montgomery County, Maryland, and that a copy be made a part of the official Minutes of Montgomery County, Virginia.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
James D. Politis		



Gary D. Creed  
Annette S. Perkins  
C.P. Shorter  
Mary W. Biggs

**Proclamation - Geographic Information Systems Day**

On a motion by John A. Muffo, seconded by C.P. Shorter and carried unanimously,

WHEREAS, Geography has played a defining role in the settlement, history and cultural heritage of Montgomery County; and

WHEREAS, An understanding of geographical concepts is crucial to maintain a balance between the wise use of natural resources, continued economic prosperity, public safety and homeland security, and the general well-being of the County's citizens; and

WHEREAS, Computerized Geographic Information System (GIS) technology provides a more efficient and effective means for managing geographic information as compared with traditional cartographic methods; and

WHEREAS, Public and private agencies and corporations located in Montgomery County and the Commonwealth of Virginia are world leaders in the development and practical use of new technologies; and

WHEREAS, Those public and private agencies and corporations, and all citizens of the County and the Commonwealth, utilize new computer technologies daily in increasingly creative, efficient, and useful ways in their personal and professional lives; and

WHEREAS, Extensive efforts are underway in Montgomery County, the Commonwealth of Virginia, the United States, and around the world, among many public and private agencies and organizations, to develop, incorporate and utilize GIS technology; and

WHEREAS, There is a need to coordinate these efforts to minimize duplication, reduce costs, develop standards, and to facilitate the sharing and interchange of GIS data, methods and knowledge among entities developing GIS technologies and databases; and

WHEREAS, There is a need to promote GIS awareness to primary and secondary schools, and encourage use of this technology for problem-solving throughout the curriculum; and

WHEREAS, Each year on Geographic Information Systems Day, Virginia's Secretary of Technology focuses attention on how state and local governments, schools, and businesses provide

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enhanced constituent and customer services through the use of GIS products; and

WHEREAS, The global GIS community has joined to declare November 20, 2002 as GIS Day 2002.

NOW, THEREFORE BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby recognizes **November 20, 2002 as Geographic Information Systems Day in Montgomery County**, and invites all interested citizens to attend a free, public GIS Day Celebration and educational program series on November 20, 2002, from 9 a.m. to 4 p.m. at Squires Student Center on the campus of Virginia Tech.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
C.P. Shorter	None	Larry N. Rush
Annette S. Perkins		
John A. Muffo		
James D. Politis		
Gary D. Creed		
Mary W. Biggs		

### **COUNTY ADMINISTRATOR'S REPORT**

Constitutional Officers - State Budget Cuts The County Administrator reported that he received letters from the Constitutional Officers on how the recent state budget cuts will impact their office and their plan to reduce their budget. Copies of these letters have been provided in the Board's packet.

Comprehensive Plan Update The Planning Director updated the Board on the Comprehensive Plan Revision. He reported that several community meetings have been held. There is concern with the lack of citizens participating at these meetings. Therefore, the Planning Commission has decided to create participating organizations in order to have input from the different areas and organizations in Montgomery County. So far six different participating organizations have been created as follows: Business/Trade, Civic, School/Education/Youth, Religious/Church, Special Interest (Master Gardeners, Friends of the Library, etc.) and Place Specific Organizations ( Friends of Riner, Orchards Home Owners Association and Prices Fork Range, etc.). A facilitator will be trained from each group and they will work with their particular organization to gather information on the comprehensive plan.

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The Planning Director also reported that cash proffers are being considered under the Comprehensive Plan. The procedures of other localities who implement cash proffers are being reviewed.

Metropolitan Planning Organization (MPO) The County Administrator reported that an information packet has been provided on the MPO working group. Included in the packet is a copy of a draft plan, memorandum of understanding, resolution endorsing the MPO, and a timeline that outlines certain steps that need to be implemented.

### **BOARD MEMBERS' REPORTS**

Supervisor Politis was appreciative of the opportunity to attend the Virginia Association of Counties (VACo) annual meeting held at the Homestead. There were two meetings he attended, Rural Rustic Road Program and Prosperity in Rural Virginia, he thought were very informative.

Supervisor Shorter also attended the VACo's annual meeting and attended the Rural Rustic Road meeting. He suggested that the Montgomery County pursue this program. It will help get some of the unpaved roads in the County paved.

Greenbrier Pipeline Supervisor Shorter stated the Board needs to make a decision on the Greenbrier Pipeline's offer to provide a tap to the gas line at no cost to the County, provided the gas pipeline is routed through Montgomery County.

### **Greenbrier Pipeline Inc.**

On a motion by C.P. Shorter, seconded by Gary D. Creed and carried,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby accepts Dominion Transmission, Inc.'s offer to provide a tap to the gas line at no cost to Montgomery County if the Greenbrier Pipeline is routed through Montgomery County.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	James D. Politis	Larry N. Rush
Annette S. Perkins		
Gary D. Creed		
C.P. Shorter		
Mary W. Biggs		

## **Supervisors' Reports continued**

Supervisor Muffo Anti-Scalping Ordinance Supervisor Muffo reported that Virginia Tech is interested in an ordinance to prohibit the resale of tickets.

Planning Commission The Planning Commission is reviewing the requirements for the construction of private garages in the Zoning Ordinance. They stated that this issue should not go before the Board of Zoning Appeals, but should be a Planning Commission issue.

Supervisor Perkins attended the VACo Conference. She reported she was on the Transportation Steering Committee and their meeting was very informative. Due to the recent budget cuts, the Transportation Department is undergoing a transformation and figuring out just what to do. She also is on the Resolutions Committee, which is supporting a resolution to fully fund the SLQ's for state education.

Virginia Tech/Montgomery Regional Airport - A preliminary draft of their business plan should be available soon.

Supervisor Creed Naming 3-A after Senator Marye Supervisor Creed stated that since the Board adopted a resolution to request the Commonwealth Transportation Board to consider naming 3-A after Senator Marye, it has come to his attention that a portion of this road is already named after Terry Griffith. He believes this was just the part in the Town of Christiansburg only. The County Administrator will add this issue to be discussed at the next County/Town Liaison meeting.

Merchants Capital Tax Supervisor Creed discussed his concerns with the Merchants Capital Tax. He stated that Shelor Motor Mile is in his district and are strongly opposed to the tax. Supervisor Creed read a statement from Shelor about the revenue created for the County via their business and the number of people employed by them. They have purchased and rented old buildings throughout Montgomery County and placed viable businesses in them creating more business in the County. Supervisor Creed asked the Board to think about what it is worth to keep such a high tax. Supervisor Creed, in his opinion, stated that the County could not enforce this tax. He asked the Board to consider capping the tax, for example at \$200,000 per year. Shelor is willing to pay this amount in Merchants Capital Tax. He asked the Board to consider this proposal and asked that this issue be listed on the agenda for discussion by the Board.

Supervisor Biggs County/School Liaison Meeting Several issues were discussed and Supervisor Biggs reminded the Board about the joint meeting with the School Board on December 4, 2002.

Community Services Board - Supervisor Biggs reported that she has talked to several parents whose children were cut from the Goodwill Sheltered Workshop due to budget cuts. A special meeting of the Community Services Board has been scheduled to discuss this issue.

VACo/VML Legislative Day Supervisor Biggs informed Board members that VACo/VML Legislative Day

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is scheduled for Thursday, January 23, 2003 in Richmond. This is a great opportunity to lobby the legislators.

VACO Annual Conference - Supervisor Biggs reported that the conference was very informative and interesting this year due to the state budget cuts. VACo has requested that each county adopt a preamble resolution stating that local governments can no longer accommodate the state's unwillingness to fund state mandated programs and the reduction of state revenues to localities.

### **INTO CLOSED MEETING**

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Courthouse Renovations

(3)      Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body

1. Parking

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
James D. Politis		

C.P. Shorter  
Mary W. Biggs

### **OUT OF CLOSED MEETING**

On a motion by C.P. Shorter, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
James D. Politis		
C.P. Shorter		
Mary W. Biggs		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by C.P. Shorter and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business

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matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

John A. Muffo  
Gary D. Creed  
Annette S. Perkins  
James D. Politis  
C.P. Shorter  
Mary W. Biggs

NAYS

None

ABSENT DURING VOTE

Larry N. Rush

ABSENT DURING MEETING

Larry N. Rush

**ADJOURNMENT**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously, the Board adjourned to Thursday, November 18, 2002 at 5:15 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Larry N. Rush
Gary D. Creed		
Annette S. Perkins		
James D. Politis		

C.P. Shorter  
Mary W. Biggs

The meeting adjourned at 11:15 p.m.